

1 BILL NO. R-85-11-34

2 RESOLUTION NO. R-140-85

3 A RESOLUTION FINDING, DETERMINING
4 AND RATIFYING AN INDUCEMENT RESOLUTION
5 OF THE FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION
6 AUTHORIZING THE ISSUANCE AND SALE OF
7 \$10,000,000.00 ECONOMIC REVENUE BONDS OF THE
8 CITY OF FORT WAYNE, INDIANA
9 FOR THE PURPOSE OF INDUCING THE APPLICANT
10 THE COURTYARDS ASSOCIATES, A PARTNERSHIP
11 TO PROCEED WITH THE ACQUISITION
12 CONSTRUCTION AND EQUIPPING OF THE PROJECT

13 WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is
14 authorized by I.C. Sec. 36-7-12 (the "Act") to issue revenue
15 bonds for the financing of economic development facilities, the
16 funds from said financing to be used for the acquisition,
17 construction and equipping of said facilities, and said facili-
18 ties to be either sold or leased to another person or directly
19 owned by another person; and

20 WHEREAS, The Courtyards Associates, a Partnership (the
21 "Applicant") has advised the Fort Wayne Economic Development
22 Commission and the Issuer that it proposes that the Issuer acquire
23 and equip an economic development facility and sell and/or lease the
24 same to the Applicant or loan proceeds of an economic development
25 financing to the Applicant for the same, said economic development
26 facility to be acquisition and construction of a specialty retail
27 center and an office complex including furniture, fixtures and
28 equipment and costs of issuance, located generally in the eastern
29 half of the block bounded by Wayne, Calhoun, Washington and Harrison
30 Streets in the City of Fort Wayne, Indiana (the "Project"); and

31 WHEREAS, the diversification of industry and an increase in
32 338 jobs to be achieved by acquisition and construction and
33 equipping of the Project will be of public benefit to the health,
34 safety and general welfare of the Issuer and its citizens; and

35 WHEREAS, having received the advice of the Fort Wayne
36 Economic Development Commission, it would appear that the

1 financing of the Project would be of public benefit to the
2 health, safety and general welfare of the Issuer and its citi-
3 zens; and

4 WHEREAS, the acquisition and construction of the facility
5 will not have an adverse effect on any similar facility already
6 constructed or operating in or about Fort Wayne, Indiana.

7 NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE
8 CITY OF FORT WAYNE, INDIANA:

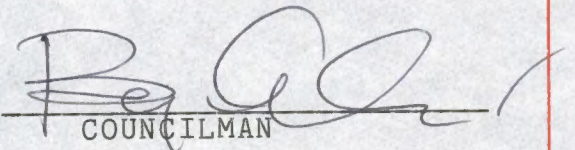
9 SECTION 1. The Comon Council finds, determines, ratifies
10 and confirms the promotion of diversification of economic deve-
11 lopment and job opportunities in and near Fort Wayne, Indiana and
12 in Allen County, is desirable to preserve the health, safety and
13 general welfare of the citizens of the Issuer; and that it is in
14 the public interest that Fort Wayne Economic Development
15 Commission and said Issuer take such action as it lawfully may to
16 encourage diversification of industry and promotion of job oppor-
17 tunities in and near said Issuer.

18 SECTION 2. The Economic Development Commission in recom-
19 mending the project, found specifically that the project will not
20 have an adverse competitive effect on similar facilities already
21 constructed or operating in Allen County, Indiana, and the Common
22 Council has also held a hearing and specifically finds that the
23 project will not have an adverse competitive effect on similar
24 facilities already constructed or operating in Allen County,
25 Indiana.

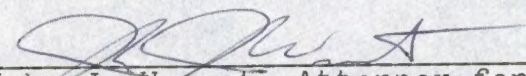
26 SECTION 3. The Common Council further finds, determines,
27 ratifies and confirms that the issuance and sale of revenue bonds
28 in an amount not to exceed \$10,000,000.00 of the Issuer under the
29 Act for the acquisition, construction and equipping of the
30 Project and the sale or leasing of such a financing to the
31 Applicant for such purposes will serve the public purpose
32 referred to above, in accordance with the Act.

1 SECTION 4. In order to induce the Applicant to proceed with
2 the acquisition, construction and equipping of the Project, the
3 Common Council hereby finds, determines, ratifies and confirms
4 that (i) it will take or cause to be taken such actions pursuant
5 to the Act as may be required to implement the aforesaid
6 financing, or as it may deem appropriate in pursuance thereof,
7 provided that all of the foregoing shall be mutually acceptable
8 to the Issuer and the Applicant; and (ii) it will adopt such
9 ordinances and resolutions and authorize the execution and deli-
10 very of such instruments and the taking of such action as may be
11 necessary and advisable for the authorization, issuance and sale
12 of said economic development bonds.

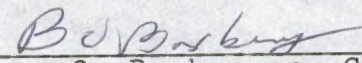
13 SECTION 5. All costs of the Project incurred after the
14 passage of this Inducement Resolution, including disbursement or
15 repayment of the Applicant of monies expended by the Applicant
16 for planning, engineering, interest paid during construction,
17 underwriting expenses, attorney and bond counsel fees, acquisi-
18 tion, construction and equipping of the Project will be permitted
19 to be included as part of the bond issue to finance said Project,
20 and the Issuer will thereafter either sell or lease the same to
21 the Applicant or loan the proceeds of such financing to the
22 Applicant for the same purposes.

23 
24 COUNCILMAN

25 ADOPTED BY ECONOMIC DEVELOPMENT COMMISSION
26 AND APPROVED AS TO FORM.

27 
28 John J. Wernet, Attorney for the
Economic Development Commission
Dated this 12th day of November, 1985

29 APPROVED AS TO FORM AND LEGALITY.

30 
31 Bruce O. Boxberger, City Attorney
Dated this 12th day of November, 1985
32

Read the first time in full and on motion by Eustis
seconded by Don, and duly adopted, read the second time
by title and referred to the Committee Finance (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on _____, the _____ day of _____,
19____, at _____ o'clock _____ M., E.

DATE: 11-12-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Eustis
seconded by Don, and duly adopted, placed on its
passage. PASSED (~~lost~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>7</u>	<u>2</u>	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	_____	<u>✓</u>	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	_____	<u>✓</u>	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 11-26-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (~~ANNEXATION~~) (~~APPROPRIATION~~) (~~GENERAL~~)

(~~SPECIAL~~) (~~ZONING MAP~~) ORDINANCE (RESOLUTION) NO. R-140-85

on the 26th day of November, 1985.

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Mark E. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the 27th day of November, 1985.

at the hour of 1:00 o'clock P. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 5th day of December.

1985, at the hour of 3:30 o'clock P. M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

BILL NO. R-85-11-34

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS
REFERRED AN ~~(ORDINANCE)~~ (RESOLUTION) FINDING, DETERMINING AND
RATIFYING AN INDUCEMENT RESOLUTION OF THE FORT WAYNE ECONOMIC
DEVELOPMENT COMMISSION AUTHORIZING THE ISSUANCE AND SALE OF
\$10,000,000.00 ECONOMIC REVENUE BONDS OF THE CITY OF FORT WAYNE,
INDIANA FOR THE PURPOSE OF INDUCING THE APPLICANT THE COURTYARDS
ASSOCIATES, A PARTNERSHIP TO PROCEED WITH THE ACQUISITION CONSTRUCTION
AND EQUIPPING OF THE PROJECT

HAVE HAD SAID ~~(ORDINANCE)~~ ^{XXXXXXXX} (RESOLUTION) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ~~(ORDINANCE)~~ ^{XXXXXXXXXX}
(RESOLUTION) DO PASS DO NOT PASS WITHDRAWN
YES NO

B. A. Eisbart

BEN A. EISBART
CHAIRMAN

Janet G. Bradbury

JANET G. BRADBURY
VICE CHAIRWOMAN

Samuel J. Talarico

SAMUEL J. TALARICO

Thomas C. Henry

THOMAS C. HENRY

JAMES S. STIER

CONCURRED IN 11-26-85

SANDRA E. KENNEDY
CITY CLERK